HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No. 14558 of 2005

Between:

Khaja Nayeemuddin .. Petitioner

AND

The Government of A.P. represented
by its Secretary, General Administration
Secretariat, Hyderabad and others ..Respondents.

Counsel for the petitioner: Mr. G.V.Shivaji

Counsel for the Respondent No.1. Government Pleader for
General Administration
Department

Counsel for the Respondent No.2. Mr. C.V.Nagarjuna Reddy
Standing counsel for the
High Court of Andhra
Pradesh.

Dated: February 6, 2006

O R D E R:

Per G.S.Singhvi, CJ.

In this writ petition, the petitioner has prayed for striking down Rule 8(2) (A) of the A.P. Civil Services (Classifications, Control and Appeal) Rules, 1991 (for short 'the Rules') on the ground that the same is violative of Article 14 of the Constitution of India. He has further prayed for quashing the order of his deemed suspension from service.

During the pendency of the writ petition, the petitioner filed application dated 9th July, 2005, which has been registered as W.P.M.P.No.18474 of 2005 for issuance of

a direction to respondent Nos. 2 and 3 to consider his representation for revocation of suspension.

At the hearing, learned counsel for the petitioner stated that he has been instructed not to press the challenge to the constitutionality of Rule 8(2)(A) of the Rules. He further stated that the petitioner will feel satisfied if a direction is issued by the Court to Principal District and Sessions Judge, Medak at Sanga Reddy to consider his plea for reinstatement in the backdrop of the fact that he has been acquitted by the competent Court.

In the context of the statement made by the learned counsel for the petitioner, we enquired from the learned counsel for respondents 2 and 3 whether or not the petitioner has been acquitted in the criminal case. In reply, learned counsel fairly stated that the petitioner has been acquitted in the criminal case.

In view of the statement made by the learned counsel for the parties, the Writ Petition and W.P.M.P.No. 18474 of 2005 are disposed of with a direction that within two weeks from today, Principal District and Sessions Judge, Medak at Sanga Reddy shall pass appropriate order on the petitioner's prayer for reinstatement. The officer concerned shall take into consideration the fact that the petitioner has been acquitted in the criminal case.

If no departmental enquiry is pending against the petitioner and if he is not facing any other judicial proceedings in relation to some other offence, it will be appropriate for Principal District and Sessions Judge, Medak at Sanga Reddy to reinstate him into service.

While disposing of the Writ Petition in the manner indicated above, we consider it proper to observe that if Principal District and Sessions Judge, Medak at Sanga Reddy comes to the conclusion that the petitioner is entitled to reinstatement, then he shall pass specific order for grant of consequential benefits in accordance with relevant rules.

G.S.SINGHVI, CJ.

G.BHAVANI PRASAD, J.

February 6, 2006

GRR/vtv